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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Akhavan, et al.

Group Art Unit: 2611

Serial No.: 09/363,073

Examiner: Srivastava, Vivek

Filed: July 28, 1999

Title: SYSTEM FOR DISPLAYING PROGRAMMING GUIDE INFORMATION

APPELLANT'S BRIEF

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January 10, 2005

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
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Dear Sir:

BACKGROUND

This brief is in furtherance of the Notice of Appeal, filed in this case on August 9, 2004.

The fees required under 37 C.F.R Section 117, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate. (37 C.F.R. 1.192(a)).

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This brief contains these items under the following headings, and in the order set forth below:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Invention
- VI. Issues
- VII. Grouping of Claims
- VIII. Argument of Rejections Under 35 U.S.C. Section 102(b)
- IX. Appendix

The final page of this brief bears the practitioner's signature.

REAL PARTY IN INTEREST

The real party in interest in this appeal is Sharp Laboratories of America, assignee of the captioned patent application..

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 20 currently pending claims in the application.

B. STATUS OF ALL THE CLAIMS

Claims canceled: 11-19.
Claims withdrawn: none
Claims pending: 1-10, 20-29.
Claims allowed: None
Claims rejected: 1-10, 20-29.

C. CLAIMS ON APPEAL

1-10, and 20-29 are on appeal.

STATUS OF AMENDMENTS

The applicant filed an amendment on April 1, 2004, responding to the Examiner's rejection of claims 1-10 and 20-28. On April 8, 2004, Applicant filed a supplemental amendment that added a new claim 29. The Examiner responded with a Final Office Action dated July 6, 2004, rejecting each of the pending claims. There are no other amendments pending.

SUMMARY OF INVENTION

The invention relates to a system for displaying programming guide information. In a first embodiment, the system of the present invention displays programming information in which a video is displayed on a portion of a display. In response to a signal from a user, a first panel comprising a time/channel programming grid is displayed on another portion of the display simultaneously with the video. The programming grid shows a range of channels and a range of times from a first time to a second time, where cells in the grid contain information for respective programs. When a user selects a cell not displayed on the currently displayed grid, e.g. by highlighting or otherwise selecting a cell on the edge of the grid and pressing an arrow key to select an off-screen cell, a second display is shown, also simultaneously with the video, which shows a range of channels and a range of times from a third time to a fourth time. Each of the

claims generally described above includes the additional limitation that neither the third time nor the fourth time of the second panel were displayed within the first panel. This avoids redundancy and allows the user to move more quickly through a programming guide.

In a second embodiment, the present invention displays, simultaneously with a video, any user-selected option of a first panel, a second panel, or a first and second panel. The first panel, for example, may be a programming grid and the second panel, for example, may be additional information pertaining to a user selected program within the programming grid.

ISSUES

The issues presented for review are (1) whether claims 1-10 are unpatentable under 35 U.S.C. 103(a) as being obvious in view of the combination of Schein, U.S. Patent No. 6,151,059 and Lemmons, U.S. Patent No. 6,266,814; and (2) whether claims 20-29 are unpatentable under 35 U.S.C. Section 102(e) as being anticipated by Noguchi, et al., U.S. Patent No. 6,034,677 (hereinafter "Noguchi").

GROUPING OF CLAIMS

For purposes of this appeal the following claim groups should each be treated individually.

Group I Claims 1-10, and 29 stand or fall together.

Group II Claims 20-28 stand or fall together.

It is noted that Groups I and II are clearly separately patentable because:

(a) Group I claims relate to a method for displaying programming guide information in which a user scrolls through successive time intervals of a programming grid.

(b) Group II claims relate to a method for displaying programming guide information in which a user selectively chooses one of three programming guide displays to be displayed simultaneously with a video.

The applicant has presented in the grouping of the claims, and in the argument under 37 CFR 1.192(c)(8), reasons why the three sets of claims are considered separately patentable. See MPEP Section 1206.

Claims 1-10 and 29 stand or fall together (group I).

Claims 20-28 stand or fall together (group II).

ARGUMENT OF REJECTIONS UNDER 35 U.S.C. SECTION 102

GROUP I

The claims of Group I claim a method for displaying programming information in which a video is displayed on a portion of a display. In response to a signal from a user, a first panel comprising a time/channel programming grid is displayed on another portion of the display simultaneously with the video. The programming grid shows a range of channels and a range of times from a first time to a second time, where cells in the grid contain information for respective programs. When a user selects a cell not displayed on the currently displayed grid, e.g. by highlighting or otherwise selecting a cell on the edge of the grid and pressing an arrow key to select an off-screen cell, a second display is shown, also simultaneously with the video, which shows a range of channels and a range of times from a third time to a fourth time. Each of the claims generally described above includes the additional limitation that neither the third time nor the fourth time of the second panel were displayed within the first panel. This avoids redundancy and allows the user to move more quickly through a programming guide.

The Examiner rejected the claims of Group I under 35 U.S.C. Section 103(a) as being obvious in view of the combination of Schein and Lemmons. Both of these references merely disclose a first panel that displays, in response to a first signal, programming information over a time range of at least one and a half hours where the time range for the programming information may be shifted in half-hour increments in response to a second signal. Thus, neither reference discloses the limitation that neither the third time nor the fourth time of the second

panel were displayed within the first panel. The applicant argued this distinction in an amendment dated April 8, 2004.

Nonetheless, in a final rejection dated July 6, 2004, the Examiner merely reiterated the same rejection addressed in applicant's April 8, 2004 amendment. This rejection is based on the view that if Schein were modified by Lemmons to include a display showing a time range greater than one hour, then scrolling in the increments disclosed by both Schein and Lemmons would produce the claimed second panel. The Applicant respectfully suggests that the Examiner is incorrect. Given this combination, scrolling in the increments disclosed in either cited reference would produce a second panel in which at least one of the third or fourth time displayed on the second panel would also have been necessarily displayed on the first panel. Thus, the user would have been presented with redundant information. For that reason, the claims of Group I distinguish over the cited combination, and the applicant respectfully requests that the rejection of the claims of this group in view of the combination of Schein and Lemmons be withdrawn.

GROUP II

The Examiner rejected claims 20-27 under 35 U.S.C. Section 102(e) as being unpatentable over Noguchi, contending that the reference discloses all the limitations of the claims of Group II. Noguchi discloses a method of displaying, simultaneously with a video, a first panel and a second panel. The display of the first panel displays a programming grid while the display of the second panel varies depending upon individual embodiments. In some embodiments, the second panel displays program information of a selected program within the programming grid (see, e.g., Noguchi at FIGS. 8-9C, 13, 15, 23, and 25). In other embodiments the second panel displays program categories such as "Movies" and "Sports" or selected subcategories of the same (see, e.g. Noguchi at FIGS. 20-21). The second panel of Noguchi *always* displays the first second panels simultaneously, i.e. it does not permit the first and second panels to be displayed independently of each other.

The claims of Group II distinguish over Noguchi because each includes the limitation that a user be able to display, simultaneously with a video, a selective one of either a first panel, a second panel, or a first panel and a second panel. Initially, the Examiner seemed to read this limitation like a Markush group, that would read on a method like Noguchi's, which displays simultaneously with a video only the third option, i.e. a first panel together with a second panel. The recited limitation was not intended as a Markush group and accordingly, independent claim 20 was amended for clarity to specifically recite "displaying simultaneously with said video, at the selection of a user, any selected one of (i) a first panel; (ii) a second panel; or (iii) a first panel and a second panel in response to at least one signal from a user interface." This amendment foreclosed the interpretation previously given by the Examiner to the claims of Group II, and therefore distinguished these claims over Noguchi because that reference does not give a user the three recited panel options to display simultaneously with a video. Again, as the Examiner did with respect to the Applicant's prior amendment of the claims of Group I, Applicant's amendment to the claims of Group II were ignored in the Examiner's final rejection, which simply reiterated the Examiner's prior arguments and did not consider the aforementioned additional distinguishing limitations. For these reasons, the Examiner's rejection of the claims of Group II was improper and the rejection of these claims should be withdrawn.

CONCLUSION

The Examiner's final rejection of the claims under 35 U.S.C. Section 102(b) should be reversed and, consequently, the claims should be found patentable to applicant.

Respectfully submitted,



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APPENDIX OF CLAIMS

1. A method for displaying programming information, comprising:

- (a) displaying a video comprising a plurality of frames on a portion of a display;
- (b) displaying a first panel in response to a first signal from a user interface, said first panel being displayed on another portion of said display simultaneously with said video, said first panel containing information from at least one of a plurality of records, said records containing programming information, each of said records having an associated time and an associated channel, and said first panel displaying on said display an associated range of channels; a first time, where said first time is the earliest time displayed on said display in response to said first signal; and a second time, said second time being a later time displayed on said display in response to said first signal and a time incrementally earlier than an end of a time range associated with said first panel;
- (c) selecting a first record in response to a second signal from said user interface;
- (d) selecting a second record in response to a third signal from said user interface, where said second record has an associated time and an associated channel, where said associated time of said second record is one of a time later than said second time and a time earlier than said first time; and
- (e) in response to selecting said second record, displaying simultaneously with said video a second panel, said second panel having an associated range of channels that is the same as the associated range of channels of said first panel and an associated time range extending from a third time to a time incrementally later than a fourth time, said third and said fourth times both being times that are, respectively, one of times later than said second time and times earlier than said first time and where neither of said third and said fourth times were displayed on said first panel.

2. The method of claim 1 wherein said associated time range from said first time to said time incrementally later than said second time encompasses the entire said first panel, and said associated time range from said third time to said time incrementally later than said fourth

time encompasses the entire said second panel.

3. The method of claim 1 wherein said first and second panels are EPG grids, each EPG grid containing a plurality of cells, and said cells containing information from said records.

4. The method of claim 1 wherein said first panel is removed from said display before said second panel is displayed.

5. The method of claim 1, further comprising the step of displaying at least one of another information banner and another EPG grid.

6. The method of claim 1 wherein said display is a digital television.

7. The method of claim 1 wherein said records are digitally transmitted with said video.

8. The method of claim 1 wherein said user interface is a remote control for a television.

9. The method of claim 1 wherein each of said first and second panels comprise a minor portion of said display.

10. The method of claim 1, further comprising the step of programming a video recorder to record said selected record.

Claims 11 - 19 (cancelled)

20. A method for displaying programming information comprising:

(a) displaying a video comprising a plurality of frames on a portion of a display;

(b) displaying simultaneously with said video, at the selection of a user, any

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selected one of the available options of

- (i) a first panel;
- (ii) a second panel; and
- (iii) a first panel and a second panel in response to at least one signal

from a user interface, said first panel having an associated time range and an associated channel range and containing selective information from at least one of a plurality of records, each of said records having

- (i) an associated time period;
- (ii) an associated channel; and
- (iii) program content information including a program title, and said second panel containing information from only one of said plurality of records; and

(c) each of said first panel and said second panel being selectively browsable to different time or channel ranges in response to a second signal from said user interface.

21. The method of claim 20 where said first panel shows the associated time periods, associated channels, and the program titles of said plurality of records over said associated time and channel ranges.

22. The method of claim 20 where said second panel displays said program content information.

23. The method of claim 21 where said first panel is an EPG grid over said associated time and channel ranges, said EPG grid containing a plurality of cells, each cell displaying an associated program title of a record and occupying a position on said grid that corresponds with the channel and time period associated with said record.

24. The method of claim 21 where said second panel may be displayed when a user selects a record displayed in said first panel.

25. The method of claim 23 where said second panel displays the program content information associated with the record selected.

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26. The method of claim 20 where said first and second panels have overlapping dimensions on said display and one of said first and said second panels obscures information displayable on the other of said first and said second panels.

27. The method of claim 20 where said video and said second panel have overlapping dimensions on said display.

28. The method of claim 20 where said first and second panels are simultaneously displayed and independently browsable.